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DRAFTED BY M;MO:RGMAYS,JR. USCG-BDIXON, L/M-K.MALMBORG

APPROVED BY M/MO:RGMAYS, JR.

EA/J - MR. DEMING (DRAFT)

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FM SECSTATE WASHDC

TO AMEMBASSY TOKYO

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E.O. 11652:NA

TAGS: AODE,EWWT, JA

SUBJECT:MODE - COAST GUARD INSPECTOR IN JAPAN

REF; TOKYO 2219

1. IN RESPONSE TO REFTEL AND BECAUSE OF QUESTION AS TO WHETHER TELEPHONE RESPONSES GIVEN BY CAFFREY (USCG) TO DANKERT (FEB 6) WERE CLEARLY RECEIVED, COAST GUARD HAS PROVIDED FOLLOWING DATA FOR YOUR INFORMATION AND USE.

A. COAST GUARD PREVIOUSLY HAD MERCHANT MARINE DETAIL AT EMBASSY TOKYO WHICH DEALT GENERALLY WITH MARITIME MATTERS, PRINCIPALLY SHIPPING AND MERCHANT SEAMEN, ASSISTING CONSULAR SECTION. INSPECTION FUNCTION, HOWEVER, IS DIFFERENT AND IS CONCERNED PRIMARILY WITH CERTIFYING VESSEL BEING BUILT ABROAD FOR OPERATION UNDER U.S. FLAG.

B. CONTINUING INSPECTOR ON TEMPORARY DUTY WOULD NOT BE SATISFACTORY BECAUSE IT IS NOW CLEAR THAT THIS ACTIVITY WILL CONTINUE INDEFINITELY AND MAY EVEN REQUIRE ADDITIONAL
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PERSONNEL. WE COULD NOT EXPECT THESE EXACTING DUTIES TO

BE CARRIED OUT ON SEMI-PERMANENT BASIS UNLESS THE

INSPECTOR IS ABLE TO WORK WITH STABILIZED SITUATION AND IN NORMAL LIVING CONDITIONS. ADDITIONAL SHIP CONSTRUCTION CONTRACTS WILL EXTEND UNTIL AT LEAST JULY 1978: (1) FIRST ADDITIONAL CONTRACT IS BY SEDCO WITH MITSUI SHIPBUILDING AND CONSTRUCTION CO., TOMANO, JAPAN, TO PRODUCE A DYNAMIC POSITIONED DRILL SHIP BEGINNING JUNE 76; (2) SECOND ADDITIONAL CONTRACT IS BY SEDCO WITH HIROSHIMA, CALLING FOR CONSTRUCTION OF A COLUMN-STABILIZED SELF-PROPELLED UNIT ALSO BEGINNING JUNE 76; BOTH JOBS WOULD RUN WELL INTO 1978. WHILE ONE INSPECTOR MAY BE ABLE TO COVER THESE RESPONSIBILITIES WE CANNOT GUARANTEE THIS PARTICULARLY IF CONTRACTS CONTINUE TO INCREASE. CONTRACTOR WILL MEET SOME COAST GUARD COST AND SUPPORT REQUIREMENTS, AND COAST GUARD WILL EXPECT NO SIGNIFICANT ADMINISTRATIVE SUPPORT FROM EMBASSY.

C. FOR THE COAST GUARD INSPECTOR (OR INSPECTORS), WE SEEK FROM GOJ STATUS EQUIVALENT TO THAT PROVIDED FOR TECHNICAL AND ADMINISTRATIVE PERSONNEL IN VIENNA CONVENTION. SIMILAR STATUS ALONG THESE LINES IS, OR HAS BEEN, AFFORDED TO SIMILAR ACTIVITIES IN, FOR EXAMPLE, UK, FRG, NETHERLANDS, FRANCE, GREECE, ITALY, PHILIPPINES AND SINGAPORE. PARAGRAPH 2 OF ARTICLE 37 OF VIENNA CONVENTION, WHICH BOTH THE JAPANESE AND U.S. GOVERNMENTS HAVE RATIFIED, DOES NOT PROVIDE DIPLOMATIC STATUS FOR TECHNICIANS BUT AFFORDS THEM QUASI PROTECTED STATUS WHICH ALLOWS THEM TO MAKE DETERMINATIONS AS TO COMPLIANCE WITH OFFICIAL U.S. REQUIREMENTS WITHOUT INTERFERENCE AND WITHOUT THE POSSIBILITY OF PRESSURES FROM EITHER THE JUDICIAL OR ADMINISTRATIVE AUTHORITIES OF THE RECEIVING COUNTRY. ARTICLE 12 OF THE CONVENTION REQUIRES SPECIAL AGREEMENT OF THE RECEIVING STATE TO CARRY OUT THIS TYPE OF ACTIVITY AT A LOCATION AWAY FROM THE MISSION.

D. AS DISTINCT FROM COMMERCIAL ACTIVITY INDICATED IN PARAGRAPH E BELOW, U.S. LAW REQUIRES U.S. COAST GUARD TO PERFORM ON-SITE INSPECTIONS DURING CONSTRUCTION, A REQUIREMENT ALSO SET FORTH IN SHIPYARD CONSTRUCTION CON-
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TRACT. IN SHORT, U.S. COAST GUARD IS CARRYING OUT REGULATORY FUNCTION OF USG TO SEE THAT CERTAIN STANDARDS ARE MET IN ORDER TO CERTIFY VESSEL FOR OPERATION UNDER AMERICAN FLAG. THIS IS THE EXERCISE OF THE MARITIME FUNCTION OF THE USG WHICH 14 USC 150 AUTHORIZES TO BE CARRIED OUT BY A COMMISSIONED OFFICER OF THE COAST GUARD ATTACHED TO A DIPLOMATIC MISSION OF THE UNITED STATES. AS INDICATED ABOVE THIS FUNCTION IS, AND HAS BEEN, CARRIED OUT AT A

NUMBER OF OUR MISSIONS ABROAD INCLUDING THE MERCHANT

MARINE DETAIL WHICH WAS ONCE LOCATED AT THE EMBASSY
TOKYO. THIS ACTIVITY MUST BE CARRIED OUT WITHIN JAPAN;
IT IS NECESSARY TO ENABLE JAPANESE SHIPYARD TO HAVE ITS
VESSEL SOLD FOR USE UNDER U.S. FLAG.

E. OTHER AMERICAN INSPECTORS OR SURVEYERS AT JAPANESE
SHIPYARDS ARE PROBABLY FROM AMERICAN BUREAU OF SHIPPING.
THEIR INTERESTS AND CONCERNS ARE COMMERCIAL AND ARE
PROBABLY CONCERNED WITH CLASSIFYING VESSELS, PRIMARILY
FOR INSURANCE PURPOSES.

2. BOTH DEPARTMENT AND USCG WILL APPRECIATE BEING IN-
FORMED OF PROGRESS IN CLARIFYING STATUS OF CG INSPECTOR.
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